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Nominee for No. 2 post at CIA assures Congress on covert acts

By Bill Gertz
 THE WASHINGTON TIMES

The CIA will continue to report planned covert operations to Congress in a timely fashion, but current guidelines should not be tightened, President Bush's nominee to be deputy CIA chief said yesterday.

Richard J. Kerr, a career intelligence analyst, said during a Senate confirmation hearing that he supports 1987 White House guidelines that permit the president to withhold notification of a pending covert operation in extraordinary cases.

In those cases, he told the Senate Intelligence Committee, an inter-agency board must review the decision every 10 days, a process that provides an adequate check on the administration.

"Clearly there is a problem," Mr. Kerr said of the tug-of-war with Congress over maintaining the option to keep covert operations secret from lawmakers.

Mr. Kerr's remarks came during questioning by Sen. William Cohen, Maine Republican and committee vice chairman, who said any exception to the rules on reporting covert action restricts the panel's ability to play a role in U.S. foreign policy.

Mr. Cohen said that unless the issue is resolved he plans to re-introduce legislation passed by the Senate last year to require notification

within 48 hours. The bill was pulled back in the House after House Speaker Jim Wright was accused by the administration of disclosing classified information about a covert operation in Nicaragua.

Mr. Kerr said the Iran-Contra affair, when the National Security Council did not report to Congress for 10 months the covert sale of arms to Iran, did not fit the current ground rules for covert operations.

"What we're talking about today is a set of rules that are rather explicit and rather detailed in terms of what should be done, how the process should work and that provide some restraints to covert action," Mr. Kerr said.

Mr. Kerr said he could not easily envision a case when a covert operation would be kept secret from Congress, but that it was "possible" such an extremely sensitive case could arise.

Committee Chairman David Boren, Oklahoma Democrat, noted that the intelligence community is facing "an enormous number of challenges," including major changes in the Soviet Union.

"Overlaid on these serious analytical problems is a brutal fact of life: The KGB and other hostile intelligence services continue in their attempts to penetrate our government and our private sector, to steal our secrets and our technology," Mr.

Boren said. "... And if confirmed, Mr. Kerr, you will have to spend as much time protecting intelligence as you will producing intelligence."

In his opening remarks, Mr. Kerr said that he views the CIA's most important function as "the provision of timely, accurate and objective information to our policy-makers."

"We are not, and should never become, policy-makers," he said.

Mr. Kerr, the CIA's deputy director for intelligence since 1986, has served in a variety of positions during his 28 years with the agency. He began as a political-military analyst and has worked on technical intelligence systems.

His only exposure to the clandestine service, the section responsible for spying and covert action, has been his participation in a covert action review committee set up following the Iran-Contra affair.

"Anybody in the DDI [Deputy Directorate for Intelligence] is always looked at with suspicion by the clandestine service," said former CIA official John K. Greaney. "They often don't understand the function of the clandestine service."

Mr. Greaney is executive director of the Association of Former Intelligence Officers, a group whose views on intelligence issues often reflect the positions of the CIA's clandestine operators.